

NOV 21 2007

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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

SAMUEL OVERSTREET,
Petitioner,

CASE NO. 7:04CR00009
CASE NO. 7:07CV80003

2255 FINAL ORDER

v.

UNITED STATES OF AMERICA,
Respondent.

By: Hon. James C. Turk
Senior United States District Judge

For the reasons stated in the accompanying memorandum opinion, it is hereby

ORDERED

that the above referenced motion to vacate, set aside or correct sentence, pursuant to 28 U.S.C. § 2255, shall be and hereby is **DISMISSED** without prejudice as successive and the case is hereby stricken from the active docket.

ENTER: This 21st day of November, 2007.

James C. Turk

Senior United States District Judge